

APPEAL NO. 030951  
FILED JUNE 11, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on March 10, 2003. The hearing officer resolved the disputed issues by deciding: (1) the employer did tender a bona fide offer of employment to the respondent (claimant), thereby entitling the appellant (carrier) to adjust the claimant's post-injury weekly earnings for the week of September 11, 2002, for wages the claimant earned on September 11, 2002; and (2) the claimant has had disability resulting from the \_\_\_\_\_, compensable injury from September 12, 2002, through the date of the CCH. The carrier appealed the disability determination. No response was received from the claimant.

DECISION

Affirmed.

It is undisputed that the claimant sustained a compensable injury and that she had disability until September 10, 2002. The claimant's treating doctor released her to return to work with restrictions and she returned to work for one day on September 11, 2002. Conflicting evidence was presented with regard to whether the job that the claimant actually performed when she returned to work met the job restrictions imposed by the treating doctor. There was also conflicting evidence on what the employer requested the claimant to do and what was required in order to meet the requests. Based on what the claimant told him, the treating doctor determined that the actual job the claimant performed did not meet the work restrictions and he took the claimant off work completely. The hearing officer found the claimant's testimony to be credible and determined that the claimant has had disability from September 12, 2002, through the date of the CCH. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. Although there is conflicting evidence in this case, we conclude that the hearing officer's decision is supported by sufficient evidence and that it is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).



We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **PACIFIC EMPLOYERS INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**ROBIN M. MOUNTAIN  
6600 CAMPUS CIRCLE DRIVE EAST, SUITE 300  
IRVING, TEXAS 75063.**

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Robert W. Potts  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Thomas A. Knapp  
Appeals Judge